

UNITED STATES DISTRICT COURT
for the
NORTHERN DISTRICT OF WEST VIRGINIA

FILED

MAY 23 2022

U.S. DISTRICT COURT-WVND
MARTINSBURG, WV 25401

JASON DENT

Petitioner

v.

Case No. 3:22-CV-95

(Supplied by Clerk of Court)

Groh/Trumble/Sims

WARDEN GILLEY

Respondent

(name of warden or authorized person having custody of petitioner)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: JASON DENT
- (b) Other names you have used:
2. Place of confinement:
 - (a) Name of institution: UNITED STATES FEDERAL PRISON HAZELTON
 - (b) Address: POST OFFICE BOX 5000
BRUCETON MILLS, WEST VIRGINIA 26525
 - (c) Your identification number: 67640-053
3. Are you currently being held on orders by:

☒ Federal authorities
 ☐ State authorities
 ☐ Other - explain:
4. Are you currently:

☐ A pretrial detainee (waiting for trial on criminal charges)
 ☒ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime

If you are currently serving a sentence, provide:

 - (a) Name and location of court that sentenced you: EASTERN DISTRICT OF NEW YORK U.S. DISTRICT COURT (BROOKLYN)
 - (b) Docket number of criminal case: 01-CR-1343 (DGT)
 - (c) Date of sentencing: DO NOT KNOW

☐ Being held on an immigration charge
 ☐ Other (explain):

Decision or Action You Are Challenging

5. What are you challenging in this petition:

☒ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

- ☐ Pretrial detention
☐ Immigration detention
☐ Detainer
☒ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☐ Disciplinary proceedings
☐ Other (explain): _____

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: EASTERN DISTRICT OF NEW YORK U.S. DISTRICT COURT

(b) Docket number, case number, or opinion number: 01-CR-1343(DGT)

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

I AM ACTUAL INNOCENT FOR MY CONVICTION AND SENTENCE BECAUSE THE INDICTMENT THAT I WAS CONVICTED AND SENTENCE FOR WAS NOT TRUE BILL BY A FEDERAL GRAND JURY

(d) Date of the decision or action: _____

Your Earlier Challenges of the Decision or Action

7. First appeal

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☒ Yes ☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: U.S. Court of Appeal for the Second Circuit

(2) Date of filing: Do not know

(3) Docket number, case number, or opinion number: Do not know

(4) Result: Affirmed

(5) Date of result: Do not know

(6) Issues raised: Do not know

(b) If you answered "No," explain why you did not appeal: _____

8. Second appeal

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☒ Yes ☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: N/A(2) Date of filing: N/A(3) Docket number, case number, or opinion number: N/A(4) Result: N/A(5) Date of result: N/A(6) Issues raised: N/A

(b) If you answered "No," explain why you did not file a second appeal:

I did not file in the U.S. Supreme Court because my case would of never been excepted9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: N/A(2) Date of filing: N/A(3) Docket number, case number, or opinion number: N/A(4) Result: N/A(5) Date of result: N/A(6) Issues raised: N/A

(b) If you answered "No," explain why you did not file a third appeal:

I did not file because I did not file with the U.S. Court of Appeals for reconsideration or the U.S. Supreme Court10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☒ Yes☐ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☒ Yes☐ No

If "Yes," provide:

- (1) Name of court: Eastern District of New York U.S. District Court
 (2) Case number: Do not know
 (3) Date of filing: Do not know
 (4) Result: denied
 (5) Date of result: Do not know
 (6) Issues raised: ineffective assistance of counsel

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☒ Yes☐ No

If "Yes," provide:

- (1) Name of court: U.S. Court for Appeals for the Second Circuit
 (2) Case number: Do not know
 (3) Date of filing: Do not know
 (4) Result: denied
 (5) Date of result: Do not know
 (6) Issues raised: newly discovered evidence

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence:

a petitioner has one year after conviction and sentence to file a 28 U.S.C. § 2255 or one year after a decision made by the U.S. Court of Appeals

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☐ Yes☒ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: N/A
 (b) Date of the removal or reinstatement order: N/A
 (c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes☐ No

If "Yes," provide:

(1) Date of filing:

N/A

(2) Case number:

N/A

(3) Result:

N/A

(4) Date of result:

N/A

(5) Issues raised:

N/A

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes☐ No

If "Yes," provide:

(1) Name of court:

N/A

(2) Date of filing:

N/A

(3) Case number:

N/A

(4) Result:

N/A

(5) Date of result:

N/A

(6) Issues raised:

N/A

12. Other appeals

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application:

N/A

(b) Name of the authority, agency, or court:

N/A

(c) Date of filing:

N/A

(d) Docket number, case number, or opinion number:

N/A

(e) Result:

N/A

(f) Date of result:

N/A

(g) Issues raised:

N/A

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: Actual Innocence

(a) Supporting facts (Be brief. Do not cite cases or law.):

The Second superseding indictment (S-2) was never resubmitted to the federal grand jury to be voted on, there was no "True Bill", nor was the Second Superseding Indictment filed with the Clerks office

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes

☒ No

GROUND TWO: The Second Superseding Indictment is
Fatally Flawed

(a) Supporting facts (Be brief. Do not cite cases or law.):

the second superseding indictment was not
resubmitted to the grand jury

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes

☐ No

GROUND THREE: N/A

(a) Supporting facts (Be brief. Do not cite cases or law.):

N/A

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☐ No

GROUND FOUR:

N/A

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

N/A

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

N/A

Request for Relief

15. State exactly what you want the court to do: Vacate Petitioners conviction and Sentence because the grand jury never voted on the indictment that I was convicted and Sentenced for

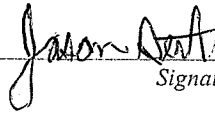
Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

March 17, 2022

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: March 17, 2022



Signature of Petitioner

Signature of Attorney or other authorized person, if any